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Alaska Cannabis Club hopes to provide access to medical marijuana

Laurel Andrews | August 24, 2014

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Alaska's medical marijuana laws create problems for cardholders seeking legal, safe access to medical marijuana, the Alaska Cannabis Club says.

Aaron Jansen illustration

“The Alaska government is failing medical marijuana cardholders and forcing us to feed the black market. Not anymore,” proclaims the Alaska Cannabis Club's [website](#).

Founded this spring, the Alaska Cannabis Club has one main goal: Provide medical marijuana patients with a safe, legal means of procuring the marijuana they are entitled to possess under state laws.

Achieving that goal while remaining in compliance with Alaska's medical marijuana laws, however, is a little tricky.

On its website, the Alaska Cannabis Club bills itself as striking “a perfect balancing act with Alaska's Medical Marijuana laws.” A club founder recently acknowledged that the group is operating in a legal gray area. The risk, she said, is worth it.

'You are on your own'

In 1998, Alaska was one of the first states to implement a medical marijuana law, allowing those with qualifying medical conditions to use marijuana to address their ailments. Yet Alaska's law, “relative to other states, is pretty narrow, and a little restrictive,” said Jason Brandeis, a University of Alaska Anchorage professor and former attorney who has extensively researched drug law issues.

“There's a big hole in terms of what a medical marijuana user's ability is to actually obtain marijuana for medical purposes,” Brandeis said.

All told, 23 states and the District of Columbia allow for public medical marijuana programs, according to [research](#) conducted by the National Conference of State Legislatures. Alaska is one of seven of those states that does not allow for marijuana dispensaries.

In Alaska, medical marijuana cardholders are permitted [under statute](#) to possess 1 ounce of marijuana and six marijuana plants, three of which may be flowering at one time. Cardholders can possess up to 1 ounce in public places, as long as it is not visible to others, and the transport is necessary to get the marijuana to a place where the cardholder can use it.

Cardholders can appoint a primary caregiver to cultivate the plants for them, and the cardholder and caregiver can transfer marijuana between each other. The marijuana may not be sold or distributed to anyone else.

State statutes do not lay out how a cardholder goes about procuring marijuana plants or, in the case of a cardholder who, for whatever reason, is unable to grow marijuana, obtaining the plants' buds to smoke or consume.

“You are on your own when it comes to that,” said Phillip Mitchell, section chief of vital statistics with the state Department of Health and Social Services.



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This conundrum -- how to legally obtain marijuana when the statutes provide no way to do so -- is what spurred the Alaska Cannabis Club to begin its operations.

A legal gray area

An Alaska Cannabis Club founder spoke with Alaska Dispatch News on the condition of anonymity, citing concern over potential repercussions from her employer.

The founder hopes that the group will bring together a community of medical marijuana cardholders who have been forced to the sidelines by Alaska's medical marijuana laws.

The club connects cardholders to card-holding growers, the founder explained. Growers are offered "donation" points for their wares, the website states. In this way, no illegal sales are taking place, the founder explained. Once paired up, the club steps out of the way and lets the cardholder and grower go from there.

Donation amounts are decided by the club, she said. Growers are reimbursed for the costs associated with growing each strain. "It's not for a profit, it's for a reimbursement, so that it's self-sustaining," the founder said.

"With some of our more terminal patients, a lot of them are on fixed income," she added. "If it's possible for us to just give it to them then that's what we do."

Members sign an agreement where they then become co-owners of all club members' plants. That way, the plants become their own personal property, and the marijuana is not being illegally distributed, the founder said.

The club has no membership fees and takes in no profits from the venture, she said. It's simply a way to provide a safe avenue for members to receive high-quality cannabis, bypassing any dangers of getting marijuana on the black market.

Legally, "we all understand that we are operating in a gray area," the founder said, and that they are fully aware of the risks involved. She maintains that the club is in compliance with state law.

She called the venture "a leap of love for the most part."

The club has been overwhelmed by responses from medical marijuana cardholders, and club numbers were inching toward triple-digits, she said. Some members have multiple sclerosis. Others have cancer. Most of the patients the club serves are senior citizens, she said.

Anchorage attorney Rex Butler has helped the club sift through Alaska law. Increasing access to medical marijuana is the club's goal, he said. "Not everybody has the ability to grow that stuff, quite frankly," Butler said.

Alaska's vague laws are problematic, he said. "The area's a little smoky -- pun intended."

Gaps in the law

Brandeis agreed that the laws are lacking in clarity. For instance, "the statute mentions debilitating medical conditions," as qualifying for medical marijuana treatment, Brandeis said. "The issue with this is that, obviously that standard can be different for different doctors."

And while cardholders can designate a caregiver to grow their marijuana as long as they don't pay for the product

And while cardholders can designate a caregiver to grow their marijuana so long as they don't pay for the product, can one pay a caregiver for his or her services? "I don't know," Brandeis said. The statutes don't offer that clarification.

He noted that Alaska is unique in terms of its 1975 Alaska Supreme Court decision in *Ravin v. State*. That decision found that Alaskans' constitutionally-protected privacy rights trumped the state's home intrusion authority in pursuit of Alaskans using small amounts of marijuana. Under the *Ravin* decision, Alaskans are able to possess up to 4 ounces of marijuana in their homes, yet state statutes still prohibit all marijuana use.

Whether marijuana is technically legal in Alaska is a debate that continues to this day, and was the subject of a 2012 [Duke Law Review article](#) written by Brandeis that explored the state's lengthy marijuana history.

"You wind up in this really weird gray area where our laws do protect people, but the procedures for actually taking advantage of those rights are not very clear," Brandeis said.

Then there are issues with federal law. Under federal law, "marijuana is still illegal," said Frank Russo, deputy criminal chief with the U.S. District Attorney's Office in Alaska. For medical marijuana users, there is no way to technically be in compliance with federal law, Russo said.

However, the District Attorney's Office has "some discretion to which cases we pursue," Russo said. "The Federal government is not interested in pursuing prosecution of cancer patients or patients who are ill," and merely using marijuana, he said.

Looking forward

All told in Alaska, 1,810 medical marijuana cardholders were registered with the state as of mid-August, said Mitchell, with DHSS. That number represents a huge jump in the last half decade -- in 2010, only [130 cardholders](#) were registered.

The state [has said](#) that it expects the number of medical marijuana cardholders to drop should recreational use be legalized come November.

"I just don't see what the advantage would be" in having a card, Mitchell said.

However, depending on how the law is crafted, there may be some advantages, Mitchell added. He noted that in some states, cardholders are given the priority over recreational users should there be a shortage in supply. He also noted that taxes on recreational marijuana may be higher than those for medical marijuana patients.

Meanwhile, a new business is setting up shop in hopes that medical marijuana patients will continue seeking out cards.

[Alaska Cannabis Medical](#), which opened for business in early August, is Alaska's newest clinic providing Alaskans with medical marijuana cards. Operations manager Zeke Hilfinger said the clinic's goal was to provide cards at an affordable rate. Initial appointments cost \$175.

Alaska Cannabis Medical held their first clinic the weekend of Aug. 16, when they had planned to serve nearly 100 people, Hilfinger said. They also launched a [website](#) this week where people can register for classes on how to grow marijuana -- whether they have a medical marijuana card or not.

Alaska Cannabis Medical and Alaska Cannabis Club are both counting on recreational marijuana use to be legalized in November. Alaska Cannabis Club plans to expand its business model and open a recreational side of the business should the law pass.

Correction: This story originally said that it was legal for adults to possess up to 1 ounce of marijuana for personal use in the home in Alaska. It is actually legal to possess up to 4 ounces.

RELATED:

Medical marijuana numbers expected to drop if Alaska legalizes recreational use


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Chris Blankenship · Top Commenter

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Bill Fikes Jr · Top Commenter

Dear Mike Smith, if you want to make comments about me stop being a coward and unblock me so I can see them too.

Reply · Like · 1 · August 25 at 6:54pm



Stoney Burke · Embry-Riddle Aeronautical University, Worldwide

"F*&%@& STUPID INBRED F%#@*&% ALSKANS" Mike Smith of [THC Medical Clinic](#)

OK, this is getting ripe, it seems that Mike Smith of THC Medical Clinic is one of those that can't stand to have anyone say anything about them, even if is, or especially if it is true. This post will be growing as the drama unfolds and should serve his oft drawn and no doubt soon to be aimed and fired "attorney" Lance Wells, who I am sure is as fine and honest and attorney as there ever was a fine and honest attorney) with a full disclosure should this ever come before a jury. (or I suddenly and mysteriously disappear!) This post is not over... [WARNING: some language not for delicate eyes] <http://alaskahemp.com/420/alaska-medical-marijuana-clinic-pot-doc-declared-unsafe-to-practice/>

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David McLean · Top Commenter

Proof Marijuana CURES Cancer

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Desa Erica Leslie Jacobsson · Top Commenter · Anchorage, Alaska

Goody Gum Drops! I think I'll nominate myself for Commissioner of Cannabis.....wait.....not under Captain Zero though. With him as governor on the marijuana issue, being one of his commissioners would be like riding around on a wet bicycle seat. (puff, cough, puff)

Reply · Like · 1 · August 25 at 3:26pm



Bill Fikes Jr · Top Commenter

I have been quite active in the medical marijuana scene for many years, including death threats from Mike Smith of THC Medical (he just hates Alaskans in general it seems) and I have had several face to face talks with Zeke at [Alaska Cannabis Medical](#) and have found him to quite sincere in his desires to aid those seeking an alternative to outrageously priced commercial pharmaceuticals. I have looked over [Alaska Cannabis Club's](#) business model and think they might be onto something as long as they can keep costs low, hopes high and the Feds out of their business. I am the owner/webmaster at <http://alaskahemp.com/> where you can find links to all of the above (including Mike Smith's death threats) if you would like more information.

Reply · Like · 4 · August 25 at 3:03pm



Bill Fikes Jr · Top Commenter

Sources tell me Mike Smith is ranting about something in response to this post, but he has me Faceblocked so I can't see what he has to say, which is a good thing I suppose knowing him as I do.

Reply · Like · 2 · August 25 at 5:10pm



Alaska Cannabis Medical

Thank you for the kind words. Alaska Cannabis Medical feels very fortunate to be here collaborating with great activist such as Bill Fikes Jr. Cheers and much Respect

Reply · Like · 1 · August 26 at 12:52am



David James · Top Commenter · Works at Hack Content Provider; Insomniac Shift Radio Host

A rather timely article can be found by following the link below. A new study just out from the Journal of the American Medical Association finds that states with medical marijuana laws on the books have a 25% lower rate of prescription painkiller overdose deaths than those that have refused to legalize the practice.

http://www.cnn.com/2014/08/25/health/medical-marijuana-overdose-deaths/index.html?hpt=hp_t2

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David McLean · Top Commenter

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https://www.youtube.com/watch?v=0psJhQHk_GI

Reply · Like · 1 · August 25 at 12:30pm



Curtis Lester · Top Commenter · Owner at Concepts Unlimited

Reading the comments makes you realize that some people still use "Reefer Madness" as their source of information on cannabis.

Reply · Like · 8 · August 25 at 12:29pm

9/22/2014

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David McLean · Top Commenter

<https://www.facebook.com/THeCureForCancers>

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